

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

RONALD MANN,

Plaintiff,

vs.

ANDREW M. SAUL, Commissioner of
the Social Security Administration,

Defendant.

4:18-CV-3022

MEMORANDUM AND ORDER

This matter is before the Court upon the plaintiff's motion for Attorney Fees pursuant to [42 U.S.C. § 406\(b\)](#). [Filing 30](#). In a previous order, the Court awarded the plaintiff attorney fees in the amount of \$4,153.07, pursuant to the Equal Justice Act (EAJA), [28 U.S.C. § 2412\(d\)](#). [Filing 29](#). Now before the Court is the plaintiff's motion for \$13,808.75 in attorney fees to be awarded pursuant to [42 U.S.C. 406\(b\)](#). The defendant has no objection to the requested award, which represents Mr. Krause's share of the withheld 25 percent of the plaintiff's award of past due benefits, provided that the lesser of the two fee awards is refunded to the plaintiff. [Filing 31](#). The plaintiff's counsel has agreed to do so. [Filing 30 at 3](#).

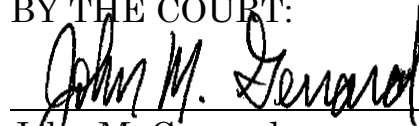
The Court being fully advised in the premises, finds that the amount of fees requested is fair and reasonable. Accordingly, the Court will grant the plaintiff's motion and award the requested fees. The Court will further direct the plaintiff's counsel to refund the EAJA award to the plaintiff.

IT IS ORDERED:

1. The plaintiff's motion for an award of attorney's fees pursuant to 42 U.S.C. 406(b) (filing 30) is granted.
2. By separate document, the Court shall enter judgment for the plaintiff and against the defendant providing that the plaintiff is awarded attorney fees of \$13,808.75.
3. That sum shall be sent to plaintiff's counsel, Sean Cuddigan, who shall be responsible for refunding the fee awarded pursuant to the Equal Access to Justice Act to the plaintiff and remitting to Thomas Krause his portion of the award.

Dated this 20th day of August, 2020.

BY THE COURT:



John M. Gerrard
Chief United States District Judge